

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

HELEN KATZ,
Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner, social security
administration,
Defendant.

MEMORANDUM DECISION AND
ORDER REMANDING CASE

Case No. 2:03-CV-1066 TS

This matter came before the Court on April 25, 2006, for hearing on Plaintiff's appeal of the Commissioner's decision to deny her application for Social Security disability insurance. The Court reviewed the entire record to determine whether the ALJ's findings are supported by substantial evidence and whether the correct legal standards were applied.¹ In light of that standard, and for the reasons stated at the hearing, the Court finds that the ALJ's finding that Plaintiff's mental impairments are well controlled and that she no longer needs therapy are not supported by substantial evidence. The Court also finds

¹*Rutledge v. Apfel*, 230 F.3d 1172, 1174 (10th Cir. 2000).


that the ALJ failed to discuss the uncontroverted evidence that he chose not to rely on,² including evidence of the effect of the mental impairment on her ability to retain employment. It is therefore

ORDERED that this case be REMANDED for further development and discussion of the record regarding Plaintiff's mental impairments and for consideration of the effect of all of her impairments, including obesity, on her residual functional capacity.

The clerk of court is directed to close this case.

DATED April 27, 2006.

BY THE COURT:



TED STEWART
United States District Judge

²See *Clifton v. Chater*, 79 F.3d 1007, 1010 (10th Cir. 1996).